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PATENT AND TRADEMARK OFFICE**

Patent Application

Inventors: Vinh Thanh Vu

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Examiner: Edgardo San Martin

Docket No.: 125-001us

Title: Vibration Control Platform

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPEAL BRIEF UNDER 37 CFR 41.67

Pursuant to 37 CFR 41.67, this brief is filed in support of the appeal in this application.

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(1) *Real Party in Interest*

Application 10/642,868 which is the subject of this Appeal, has not been assigned.

Ownership remains with the inventor, Vinh Thanh Vu.

(2) *Related Appeals and Interferences*

There are no other appeals or interferences that will directly affect, be directly affected by or otherwise have a bearing on the Board's decision in this Appeal.

(3) *Status of the Claims*

Application 10/642,868 was filed with 32 claims.

On Mar. 14, 2006: claims 1, 3-7, 9-10, 15-16, 20-21, 23, and 26-26 were amended and claims 24-25 were canceled.

On Oct. 5, 2006: claims 1, 4-5, 9-10, 15, 21, and 23 were amended.

On Mar. 5, 2007: claims 1, 6, and 26 were amended and claim 23 was canceled.

Claims 1-22 and 26-32 are pending and stand rejected. All pending claims are being appealed.

(4) *Status of Amendments*

No amendments have been filed since the close of prosecution.

(5) Summary of the Claimed Subject Matter

The claimed subject matter on appeal pertains to a vibration-control platform. The platform is primarily intended for use with audio and video components, such as cd players, amplifiers, and the like.

Vibrations interfere with the ability of audio and video components to faithfully reproduce a recorded audio or video signal. Therefore, isolating audio or video components from vibration, and dissipating any vibration that these components generate, improves the performance (*i.e.*, sound and image quality) of audio and video systems.

The benefits of vibration control for audio equipment have been known for some time. Although certainly a niche market, various companies specialize in vibration-control products for audio and video systems. See, for example, www.silentrunningaudio.com/sra_products.htm, www.townshendaudio.net/index.php?option=com_content&task=view&id=40&Itemid=99, www.grandprixaudio.com/idx_products.php, www.starsoundtechnologies.com/livevibe.html, www.criticalmasssystems.com/HOME%20PAGE.htm, www.brightstaraudio.com/vibration_control_products.htm, www.polycrystal.com/pc-mainframe.htm, to name just a few.

The claimed invention, which, in fact, has been sold by Gingko Audio under the mark "Cloud 10™" (www.gingkoaudio.com/cloud10.html) for several years, was developed to address shortcomings of vibration-control products sold by other companies, such as those mentioned above.

In some embodiments, the claimed resonance/vibration-control platform includes a bottom plate (102) having three or more "wells" or "dimples" (106) arranged in a two-dimensional array. Each well receives a vibration-control element (112), typically a resilient ball, like a "racquet ball." An audio or video component, such as a cd player or an amplifier, *etc.*, is positioned on the balls, or on a top plate (108) that rests on the balls. (See, *e.g.*, FIG. 1B.)

Although quite simple in construction, the claimed vibration control platform has proven to be exceedingly effective at accomplishing its intended purpose. See, for example, equipment test reviews by professional audio component reviewers at:

www.6moons.com/audioreviews/gingko/cloud10.html, www.positive-feedback.com/Issue13/gingkoaudio.htm,
www.stereophile.com/artdudleylistening/1204listening/index.html.

About two thousand vibration-control platforms that are identical with the platform described, and that incorporate the claimed invention, have been sold since 2004.

With regard to the independent claims on appeal, claim 1 recites an article for use with spherical vibration-control elements, wherein said article comprises:

- a plate having a number, n , of spaced wells arranged in a two-dimensional array, wherein:
- (i) said two-dimensional array comprises at least two rows of said spaced wells with a minimum of three wells in each row;
 - (ii) said wells are suitably sized so that when a well receives said spherical vibration control element, said vibration control element contacts said plate at substantially every point along a perimeter of said well; and
 - (iii) said wells underlie said spherical vibration control elements, and further wherein, in use, the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells.

Claim 15 recites an article comprising:

- a plate, wherein said plate comprises a first plurality of spaced wells arranged in a two-dimensional array; and
- a second plurality of vibration-control elements, wherein said vibration-control elements are received by some but not all of said wells, one vibration-control element to a well.

Claim 21 recites an article comprising:

- a bottom plate, wherein said bottom plate comprises a plurality of spaced wells arranged in a two-dimensional array;
- a plurality of resilient balls, wherein said resilient balls are received by some but not all of said wells; and
- a top plate, wherein said top plate is disposed on said resilient balls, and wherein a surface of said top plate that abuts said resilient balls is planar and does not include wells.

Claim 26 recites an article comprising:

providing a bottom plate;
forming a number, n , of wells in said bottom plate, wherein said wells are arranged in a two-dimensional array, and wherein said two-dimensional array has at least two rows of said wells, and further wherein each said rows comprises at least three wells; and
providing a number, m , of vibration-control elements, wherein m is less than n .

Regarding the limitations recited in these independent claims, see: bottom plate (102), wells (106), top plate (108), and vibration control element (112). These elements are depicted in the figures at FIGs. 1A, 4, 1B, 3B, 5, and 6 and in the description at [0036], [0038], [0039], [0045]-[0052], [0056].

(6) *Grounds of Rejection to be Reviewed on Appeal*

The grounds of rejection to be reviewed are as follows:

- (a) Whether claims 1, 3, 9, 10, 12, and 13 were properly rejected under 35 USC §103 as being obvious over U.S. Pat. No. 5,330,165 to van Goubergen.
- (b) Whether claims 2, 4-8, 11, 14-22, and 26-32 were properly rejected under 35 USC §103 as being obvious over van Goubergen in view of U.S. Pat. No. 3,679,159 to Bach *et al.*

Note: The patentability of dependent claims will not be separately argued.

(7) Argument

7.1 Claims 1, 3, 9, 10, 12, and 13 were Improperly Rejected under 35 USC §103 as being obvious over U.S. Pat. No. 5,330,165 to van Goubergen

For brevity, the phrase "spherical vibration control element" will be referred to as "SVCE," unless it appears in a claim or in a quotation.

Claim 1 on appeal recites:

An article for use with spherical vibration-control elements, wherein said article comprises:

- a plate having a number, n , of spaced wells arranged in a two-dimensional array, wherein:
- (i) said two-dimensional array comprises at least two rows of said spaced wells with a minimum of three wells in each row;
- (ii) said wells are suitably sized so that when a well receives said spherical vibration control element, said vibration control element contacts said plate at substantially every point along a perimeter of said well; and
- (iii) said wells underlie said spherical vibration control elements, and further wherein, in use, the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells.

Van Goubergen does not disclose or suggest what is recited in claim 1. In particular, van Goubergen does not disclose or suggest limitations (ii) or (iii) of claim 1.

Limitation (ii) recites: "said wells are suitably sized so that when a well receives said spherical vibration control element, said vibration control element contacts said plate at substantially every point along a perimeter of said well"

Limitation (ii) requires that contact between an SVCE and a well define a line —actually a circle— and further requires that the contact occurs at the surface of the plate (since the perimeter of the well is at the surface of the plate).

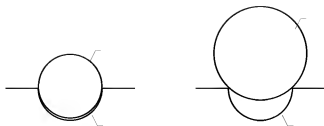
In van Goubergen, the preferred contact between an SVCE (the analogous structure in van Goubergen is referred to as “elastomeric bodies (1)”) and adjacent covers (2) is “point contact.” That is, in embodiments in which an SVCE is sandwiched between two covers, the contact preferably occurs at two points—one at the bottom of the SVCE and one at the top. See, for example, FIG. 1 of van Goubergen. And in embodiments of van Goubergen that show the less-preferred linear contact, it does not appear to occur at the perimeter of the well (but see FIG. 7, wherein it is hard to tell if contact is at the perimeter or not.) This issue will now be discussed in further detail below.

Appellant disclosed that the size of wells (106) is primarily dependent upon the size of SVCE (112). As stated at para. [0046]:

If wells **106** are too large (*i.e.*, deep), the balls will be deeply recessed. As a consequence, the freedom of the balls to move in response to vibrations might be overly constrained. If the wells **106** are too small, overlying top plate **108** might be unstable.

There are actually two problems that occur when a well is too large. One problem occurs when a well is so oversized relative to the SVCE that the SVCE is free to roll around in a well. This is unacceptable because such unrestrained motion of the SVCE would render the top plate unstable. This situation, in fact, would occur in most of the embodiments shown in van Goubergen if it were not for the fact that thin strips of material (6) attach each elastomeric body (1) to its neighbors. The only exceptions to this are the embodiments shown in FIGs. 2 and 7, wherein the wells are conical, pyramidal, *etc.*, such that the SVCEs wouldn't roll even if they were not constrained by strips of material.

A second potential problem with a deeply recessed SVCE is that it can be overly constrained. What is being referred to here is the case in which the SVCE is just slightly larger than the well such that the SVCE fits deeply in the well. In such a case, movement of the SVCE (as is desired and necessary in conjunction with its vibration control function) is overly restricted by the surface of the well. See drawing “A” below. In a case in which the well is too small, only a very small portion of the SVCE protrudes into the well, such that the SVCE could be easily displaced from the well. This would cause the overlying platform to be unstable. See drawing “B” below.



It is clear that, for appellant's claimed invention, the desired situation is between these extremes, and this is described in appellant's specification.

But, even for the extreme cases mentioned above, in appellant's claimed invention, the contact between the SVCE and the well defines a circle. Furthermore, that contact occurs at the perimeter of the well.

This is not the case in cited reference. Van Goubbergen repeatedly emphasizes the benefit of "point" contact between the spherical elastomeric bodies (1) and the overlying and underlying covers (2). In fact, according to van Goubbergen, this "point contact" is the basis for his invention:

This invention is based on the insight that the energy absorbing capacity of an elastomeric body can be increased by reducing the contact of the elastomeric body with other objects to a minimum. (Col. 2, lines 38-42.)

Van Goubbergen continues, at col. 2, lines 43-50:

Because the facing sides of the layer or layers of elastomeric bodies and of the elastomeric plate elements are geared to one another in such a way that the contact between them is limited to point-shaped or at most line-shaped places of contact and for the rest the elastomeric bodies are substantially freely deformable, maximum use is made of the resiliently deforming capacity of an elastomer for absorbing vibratory energy.

Van Goubbergen continues to tout "point" contact throughout the Detailed Description:

The mutual contact between elastomeric bodies **1** and recesses **4** is in the unloaded position reduced to two basically point-shaped places of contact **3**, which with a vertical load on covers **2** will be slightly increased to small surfaces of contact **3'**, as shown in FIG. 1A. The spherical elastomeric bodies are allowed to deform substantially freely into ellipsoid solids ... through the

presence of free spaces **5** surrounding places of contact **3, 3'**. (Col. 5, lines 18-23.)

FIG. 9 is a slightly deviant embodiment in which the principle of the invention, *namely minimum contact* and free spaces adjoining the places of contact with increasing volume, is embodied in a two-part vibration damper. (Col. 6, lines 26-29, *emphasis added.*)

And van Goubergen "excuses" the less-preferred "circular" contact:

In this embodiment the contact ... is along a circle. Although it is true that there is more contact here ... there are still free spaces adjoining the places of contact....

Limitation (iii) recites: "said wells underlie said spherical vibration control elements, and further wherein, in use, the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells."

In van Goubergen, lateral movement of the SVCEs is primarily restricted by the presence of the strips of material (6).

The Examiner admits that van Goubergen does not disclose this limitation, but "considers that it would have been an obvious matter of design choice to provide the wells as the only constraint to unrestricted lateral movement of the spherical vibration control elements because it would not depart from the scope and spirit of the van Goubergen invention."

The Examiner also states that "van Goubergen establishes that the use of thin bands or strips (6) is to facilitate the assembly of the vibration damper and the recesses (4) are for limiting the lateral movement of the spheres (1)." The Examiner's implication here is that the thin bands are not used to limit lateral movement of the spheres.

It is appellant's contention that the Examiner's statements are unsupportable and/or incorrect.

Taking the Examiner's second point first, consider van Goubergen's claim language. Claim 1 (lines 6-8 of the claim) recites that "discrete elastomeric bodies [are] interconnected to each other to prevent rolling of said bodies." And claim 12 (lines 24-29 of the claim 12) of van Goubergen recites "discrete elastomeric bodies being ...

interconnected to each other to prevent rolling of said bodies whereby lateral movement of said bodies *with respect to each other* is eliminated."

It is harder to imagine language that more clearly contradicts the Examiner's assertion that "strips (6) facilitate the assembly of the vibration damper and the recesses (4) are for limiting the lateral movement of the spheres."

Yes, the strips (6) do *facilitate* assembly; it is far more expedient to place a sheet of interconnected "elastomeric bodies (1)" between covers (2) than to individually place numerous, discrete, elastomeric bodies between the covers. But as explicitly recited in van Goubergen's claim language, the primary purpose of the strips (6) is to prevent lateral movement of the elastomeric bodies.

The Examiner bases his statement that "the recesses (4) are for limiting the lateral movement of the spheres (1)" from a passage in van Goubergen at col. 5, lines 30-33. What the reference actually states is:

The recesses **4** here also provide for the limitation of the relative lateral movements of the covers 1, thus preventing lateral slipping of the interposed elastomeric bodies **1**.

It is apparent that the wrong "call-out" (*i.e.*, "1") was used in conjunction with the term "covers" in van Goubergens specification. The reference should have been to "covers **2**." It seems rather clear in view of the latter part of the sentence that the call-out "**1**," rather than the descriptor "cover," was in error. In other words, the sentence is NOT meant to be read "for the limitation of the relative lateral movements of the elastomeric bodies (or spheres) **1**, as asserted by the Examiner.

What van Goubergen is describing in this passage is that, in the embodiment depicted in FIG. 1, the wells or "recesses" (4) help to limit the extent to which the covers (2) are able to move laterally over the tops of the SVCEs. And, by providing that function, they likewise prevent the interposed *sheet* of interconnected SVCEs from laterally slipping from a desired position between the covers (2).

Van Goubergen is not suggesting that the recesses could or should be used *instead* of the thin bands or strips of material (6) that interconnect the SVCEs. It is clear from FIG. 1 that, even with recesses (4) on the facing surfaces of covers (2), if the SVCEs were not connected to one another, they could move left or right relative to each other within the recesses. And, of course, if the SVCEs were not

interconnected, assembly of the damper would be very inefficient. What van Goubergen is teaching here is that, given a sheet of interconnected elastomeric bodies (1), the presence of the recesses (4) on the covers (2) limits lateral movement of the covers. Van Goubergen's language does not suggest that the elastomeric bodies (1) could or should be separated, such that "the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells," as required by limitation (iii) of claim 1.

It is also noted that even if the thin strips (6) of material were not *intended* to limit lateral motion of the SVCEs (which they clearly are), they most definitely DO limit lateral movement. Appellant's claim language explicitly requires that "the only constraint to unrestricted lateral movement" of the SVCEs is the wells.

With regard to the Examiner's first contention regarding the "*obvious* design choice," there really was no choice for van Goubergen other than to keep the SVCEs attached to one another. In this regard, it is noted that the SVCEs are attached in all of the many embodiments shown in van Goubergen.

The Examiner states that modifying van Goubergen so that the wells are the only constraint to unrestricted lateral movement of the SVCEs (such that the SVCEs could be separated) would not depart from the scope and spirit of the van Goubergen invention. That statement is incorrect; such modification would most definitely depart from the scope and the spirit of the van Goubergen invention.

In particular, recall that van Goubergen makes it quite clear that his preferred approach, and, indeed, *the basis for the invention*, is to minimize the contact between the spherical vibration control elements and the overlying layers. That is, van Goubergen teaches two points of contact between the SVCE and layers that sandwich them. This preferred arrangement, which requires that the radius of curvature of the well is much greater than that of the SVCE, is depicted, for example, in FIGs. 1, 3, 4, 6, and 8. In this preferred arrangement, if the spherical vibration control elements were not connected to one another, the balls and the overlying layers would be unacceptably free to move. In such cases, the use of wells alone would not be a viable way to restrict the movement of the balls or the overlying support layer.

To the extent that the Examiner's rejection is based on Section 103, it is appropriate to consider the issues surrounding the invention, such as its use, *etc.*, in the context of the obviousness issue.

Van Goubergen's damper is not intended for use with audio components. It appears to be intended for use with machinery or in industrial applications (see FIGs. 11 and 12; it is notable that the "Rubloc®" material referenced in the Background section is for use in industrial applications). That's not to say van Goubergen couldn't be used with audio or video components (although it would probably be ineffective due to its design). It is simply that van Goubergen's damper is not *designed* for that purpose and its structure reflects that.

In industrial applications, there would be a definite preference for using sheets of elastomeric bodies, as opposed to separate elastomeric bodies. It would take far less time to install a sheet of interconnected spherical elastomeric bodies than to insert them into the recesses one at a time. Also, if not attached to one another, a potential exists for (what would almost certainly be) a large quantity of spherical elastomeric bodies to be inadvertently dropped and scattered about the floor of an industrial facility. This presents a hazard, and represents lost time due to the required clean-up. Clearly, there would be no reason whatsoever to use separate SVCEs in conjunction with van Goubergen, and good reason not to use them.

As such, a fair reading of van Goubergen does not support the Examiner's conclusion that:

it would have been an obvious matter of design choice to provide the wells as the only constraint to unrestricted lateral movement of the spherical vibration control elements because it would not depart from the scope and spirit of the van Goubergen invention.

In contrast, a very important aspect of appellant's invention is the complete independence of each SVCE, which dictates the use of separate, unattached SVCEs.

Any restriction on the lateral movement of SVCEs, beside that imposed by the wells, would impair the performance of the platform in terms of its ability to dissipate vibration from components and isolate those components from vibrations.

Furthermore, the ability to selectively place the SVCEs in some but not all of the wells is very important because the SVCEs have a preferred weight-carrying capacity (about 10 pounds per SVCE). So even though there might be fifteen wells in the

bottom plate, the audio component being supported may weigh fifty pounds such that only five SVCEs should ideally be used, one SVCE to a well.

Also, selective placement of SVCEs is important because most audio components have an uneven weight distribution (most weight is usually concentrated near transformers or power supplies). As a consequence, it is far preferable to have a relatively greater number of SVCEs positioned under relatively heavier regions of the component. This is not possible if the SVCEs are attached to one another, which would force a symmetric and regular distribution of SVCEs.

As a consequence, in appellant's claimed invention, the only constraint to unrestricted lateral movement needs to be the wells. The SVCEs can't be attached and do what the invention is intended to do.

It is believed that the foregoing demonstrates that the Examiner has not made a prima facie case for the rejection of claim 1 under 35 USC §103 over van Goubergen. As a consequence, the Board is urged to direct the Examiner to withdraw the rejection and allow the claim.

Claims 2 through 14 are believed to be allowable based on their dependence on claim 1. The patentability of claims 2 through 14 will not be separately argued.

7.2 Claims 2, 4-8, 11, 14-22, and 26-32 were Improperly
Rejected under 35 USC §103 as being obvious over van
Goubergen in view of U.S. Pat. No. 3,679,159 to Bach et al.

As previously noted, the patentability of claims 2, 4-8, 11 and 14 will not be argued separately.

Claim 15 recites an article comprising:

a plate, wherein said plate comprises a first plurality of spaced wells arranged in a two-dimensional array; and
a second plurality of vibration-control elements, *wherein said vibration-control elements are received by some but not all of said wells*, one vibration-control element to a well.

Claim 21 recites an article comprising:

a bottom plate, wherein said bottom plate comprises a plurality of spaced wells arranged in a two-dimensional array;

a plurality of resilient balls, *wherein said resilient balls are received by some but not all of said wells*; and
a top plate, wherein said top plate is disposed on said resilient balls, and wherein a surface of said top plate that abuts said resilient balls is planar and does not include wells.

The combination of van Goubereen and Bach *et al.* does not suggest what is recited in independent claims 15 or 21. Namely, neither of these references provide any suggestion, nor would one skilled in the art otherwise be motivated, to place SVCEs (or resilient balls) in some wells, but not all of the wells, in a plate having wells for receiving SVCEs.

As already discussed at length in conjunction with the rejection of claim 1, van Goubereen does not teach or suggest having SVCEs in some but not all of the wells. Likewise, there is no such teaching or suggestion of this in Bach *et al.*

Bach *et al.* discloses a vibration isolation structure that is intended to provide vibration isolation for industrial equipment, such as a punch press, or for scientific instruments, such as a microscope.

Bach *et al.* discloses several embodiments of a vibration isolation structure. FIG. 1 depicts four layers of interconnected spherical containers (17) having flexible walls, wherein the containers are disposed in a cavity (14). The cavity is formed by bottom panel (12), four side walls (13), and a top panel (15). Each layer of containers (17) is preferably filled with a fluid having vibration damping characteristics that is different from the damping characteristics of each other layer. The top panel "floats" on the upper layer of containers (17).

A second embodiment is depicted in FIGs. 2-4 a thin, flexible sheet of rubber (35) is disposed over panel (30). A grid (36) of metal is placed over the rubber (35). Pressurized air is then introduced between the rubber sheet (35) and panel (30), creating "bubbles" (37). (See, FIGs. 3 and 4.)

FIGs. 7 and 8 depict additional embodiments of the Bach *et al.* vibration isolation structure. For the embodiment that is depicted in FIG. 7, a top plate (not shown) and a bottom plate (60) are separated by a single, fluid-filled, flexible walled tube (62). The tube is in the form of a square, and serves as a vibration isolation element for the overlying top plate.

The embodiment that is depicted in FIG. 8 is similar to that depicted in FIG. 7, the

difference being that the tube (66) is in the form of an Archimedes spiral.

Bach *et al.* notes modifications wherein the fluid-filled containers (17) are not connected and the top and bottom plates have curved cavities "within each of which a portion ... of the bubble fits." (Col. 4, lines 30-35.)

There is nothing in Bach *et al.* that discloses, suggests, or would otherwise motivate one skilled in the art to provide a vibration-control platform wherein "vibration-control elements (or resilient balls) are received by some but not all of said wells" as required by claims 15 and 21 on appeal.

It is believed that the foregoing demonstrates that the Examiner has not made a prima facie case for the rejection of independent claims 15 or 21 under 35 USC §103 over van Goubergen and Bach *et al.* As a consequence, the Board is urged to direct the Examiner to withdraw the rejection and allow these claims.

Claims 16 through 20 are believed to be allowable based on their dependence on claim 15 and claim 22 is believed to be allowable based on its dependence on claim 21. The patentability of claims 16 through 20 and 22 will not be separately argued.

Claim 26 recites a method comprising:

providing a bottom plate;
forming a number, *n*, of wells in said bottom plate, wherein said wells are arranged in a two-dimensional array, and wherein said two-dimensional array has at least two rows of said wells, and further wherein each said rows comprises at least three wells; and
providing a number, *m*, of vibration-control elements, wherein *m* is less than *n*.

Neither van Goubergen, Bach *et al.*, nor the combination thereof suggest or would otherwise motivate one skilled in the art to perform the method recited in claim 26. In particular, as discussed in conjunction with article claims 15 and 21, there is no disclosure, suggestion, or motivation to leave some of the wells in a vibration control platform empty. That is, there is no suggestion, *etc.*, to place SVCEs in some but not all of the wells. Similarly, there would be no suggestion to form a number, *n*, of wells in a bottom plate and provide a number, *m*, of vibration-control elements, wherein there are fewer vibration control elements than wells.

It is believed that the foregoing demonstrates that the Examiner has not made a prima facie case for the rejection of independent claim 26 under 35 USC §103 over van Goubergen and Bach *et al.* As a consequence, the Board is urged to direct the Examiner to withdraw the rejection and allow this claim.

Claims 27 through 32 are believed to be allowable based on their dependence on claim 26. The patentability of claims 27 through 32 will not be separately argued.

(8) Conclusion

The appellant has demonstrated that the logic underlying the Office's rejection is untenable, and, therefore, that the rejection is not sustainable. For this reason, the appellant respectfully requests the Board of Appeals to reverse the decision of the Examiner as provided for in 37 C.F.R. 41.50(a).

Respectfully,
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9. Claims Appendix

1. (Previously Presented) An article for use with spherical vibration-control elements, wherein said article comprises:

a plate having a number, n , of spaced wells arranged in a two-dimensional array, wherein:

- (i) said two-dimensional array comprises at least two rows of said spaced wells with a minimum of three wells in each row;
- (ii) said wells are suitably sized so that when a well receives said spherical vibration control element, said vibration control element contacts said plate at substantially every point along a perimeter of said well; and
- (iii) said wells underlie said spherical vibration control elements, and further wherein, in use, the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells.

2. (Original) The article of claim 1 wherein said number, n , is between 8 and 25, inclusive.

3. (Previously Presented) The article of claim 1 further comprising a top plate, wherein, in use with said vibration-control elements, said top plate is disposed above said plate, proximal to said plurality of wells.

4. (Previously Presented) The article of claim 3 further comprising a skirt, wherein said skirt depends from a marginal region of said top plate, and further wherein said skirt extends toward said plate.

5. (Previously Presented) The article of claim 1 wherein said perimeter is circular and has a diameter in the range of between about $\frac{1}{2}$ inch to about $1\frac{1}{4}$ inches.

6. (Previously Presented) The article of claim 4 wherein said top plate and said plate have the same shape, and further wherein said top plate is larger than said plate such that said plate fits within an area defined by said skirt.

7. (Previously Presented) The article of claim 1 wherein said plate is acrylic.

- 8. (Original)** The article of claim 3 wherein said top plate is acrylic.
- 9. (Previously Presented)** The article of claim 1 further comprising said vibration-control elements.
- 10. (Previously Presented)** The article of claim 3 wherein, when said vibration-control elements are disposed in said wells, they do not abut a bottom of said wells.
- 11. (Original)** The article of claim 9 wherein there are fewer of said vibration-control elements than said n wells.
- 12. (Original)** The article of claim 9 wherein said vibration-control elements are balls.
- 13. (Original)** The article of claim 12 wherein said balls are resilient.
- 14. (Original)** The article of claim 12 wherein said balls are selected from the group consisting of racquet balls, hand balls, paddle balls and squash balls.
- 15. (Previously Presented)** An article comprising:
a plate, wherein said plate comprises a first plurality of spaced wells arranged in a two-dimensional array; and
a second plurality of vibration-control elements, wherein said vibration-control elements are received by some but not all of said wells, one vibration-control element to a well.
- 16. (Previously Presented)** The article of claim 15 further comprising a top plate, wherein said top plate is disposed above said plate and wherein said vibration-control elements are sandwiched between said plate and said top plate.
- 17. (Original)** The article of claim 15 wherein said vibration-control elements are balls.
- 18. (Original)** The article of claim 17 wherein said balls are resilient.

19. (Original) The article of claim 18 wherein said balls are selected from the group consisting of racquet balls, hand balls, paddle balls and squash balls.

20. (Previously Presented) The article of claim 15 wherein said plate comprises acrylic and wherein said vibration-control elements are resilient balls.

21. (Previously Presented) An article comprising:

- a bottom plate, wherein said bottom plate comprises a plurality of spaced wells arranged in a two-dimensional array;

- a plurality of resilient balls, wherein said resilient balls are received by some but not all of said wells; and

- a top plate, wherein said top plate is disposed on said resilient balls, and wherein a surface of said top plate that abuts said resilient balls is planar and does not include wells.

22. (Original) The article of claim 21 wherein said bottom plate comprises acrylic and wherein said top plate comprises acrylic.

23. – 25. (Canceled)

26. (Previously Presented) A method comprising:

- providing a bottom plate;

- forming a number, n , of wells in said bottom plate, wherein said wells are arranged in a two-dimensional array, and wherein said two-dimensional array has at least two rows of said wells, and further wherein each said rows comprises at least three wells; and

- providing a number, m , of vibration-control elements, wherein m is less than n .

27. (Previously Presented) The method of claim 26 further comprising disposing a top plate on said vibration-control elements.

28. (Original) The method of claim 26 wherein disposing said plurality of vibration-control elements further comprises selecting a property of said plurality of vibration-control elements as a function of a property of an audio component or video component that is to be supported by said vibration control elements.

29. (Original) The method of claim 28 wherein said property of said vibration-control elements is its relative degree of resilience.

30. (Original) The method of claim 28 wherein said property of said vibration-control elements is its capacity to support weight.

31. (Original) The method of claim 28 wherein said property of said audio component is selected from the group consisting of the weight of said audio component and type of audio component.

32. (Original) The method of claim 24 wherein said vibration-control elements are balls.

10. *Evidence Appendix*

No evidence submitted pursuant to 37 CFR §§1.130, 1.131, or 1.132.

11. *Related Proceedings Appendix*

There are no related proceedings.